



**HB765: Criminal Law - Counterfeiting and Possession of Counterfeit Lease – Penalty
Letter of Information**

February 17, 2026

The Honorable J. Sandy Bartlett, Chair
Judiciary Committee
Room 100, Taylor House Office Building
Annapolis, Maryland 21401
cc: Members, House Judiciary

Chair Bartlett and Members of the Committee:

Economic Action Maryland Fund respectfully submits the following informational testimony on HB765, which would prohibit the counterfeiting or possession of a counterfeit lease.

We appreciate the intent behind this legislation. Our tenant advocacy team serves clients who have been presented with a counterfeit lease, signed it in good faith, and then find themselves losing their first months rent, downpayment, and associated fees, as well as facing eviction. There are predatory scammers that are defrauding tenants and homeowners alike, and we are happy to work with this committee on solutions to addressing counterfeit leases. We are also happy to work with the committee to hold these rip-off artists that trick individuals into signing these leases accountable.

However, we are deeply concerned by the legislative construction of this bill. As drafted, the bill exposes innocent tenants (and small landlords) to criminal action, because it criminalizes the possession of a counterfeit lease. Under this section of the code, it would be incredibly difficult to prove whether the tenant had knowledge that the lease was counterfeit. This section deals with formal, recordable, negotiable instruments – which leases are not. There is no legal recordation process for leases as exists for property titles. Moreover, leases are not even public facing.

In addition, the language around lease and “rental agreement” is overly broad. As drafted, this would potentially include care leases and rental agreements, and we are not certain if that is the sponsor’s intent. Rental agreement is not defined in this statute, which is particularly troubling as it could potentially include other rental agreements including equipment or appliances.

Economic Action (formerly the Maryland Consumer Rights Coalition) champions economic rights and housing justice through advocacy, research, consumer education, and direct service. Our 12,500 supporters include consumer advocates, practitioners, and low-income and working families throughout Maryland.

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Because of the vagueness of the language, and the lack of evidentiary standards for a non-negotiable instrument like a lease, it is unclear how an individual would prove they had “fraudulent intent”. The selective, discretionary enforcement of this puts tenants, as well as small landlords, most at risk by criminalizing what should be a civil dispute.

This bill may be more appropriate in the forgery statute. There is also legislation drafted in the House that deals would address the distribution of fraudulent leases through online tools.

For these reasons, while we applaud the attention to the issue of counterfeit leases, we urge the committee to spend the time developing a robust solution to that problem that addresses the limitations of the approach taken in HB765.

Sincerely,
Jennifer Bevan-Dangel, Deputy Director

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